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January 20, 2015

By ECF

Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Re: *U.S. v. Rashawn Jermaine Smalls*, 14 Cr. 414 (BMC)

Dear Judge Cogan:

Our motion and memorandum of law requesting a *Daubert* hearing are due on January 22, 2015. I write to request permission to file a brief exceeding the 25-page maximum specified in the Court's individual rules. If permitted, I estimate our final brief will be 40-45 pages long. This is because we provide background information on DNA mixture evidence and the operation of the OCME software used to test the evidence in this case. The background section is concise, but we believe it is essential to understanding our subsequent arguments why the evidence is unreliable and should be excluded.

Thank you for your consideration.

Very truly yours,

/s/

Deborah Colson
(212) 257-6455

cc: AUSA Elizabeth Geddes